

**IVINS CITY  
PLANNING COMMISSION  
MINUTES  
May 17, 2016  
435-628-0606**

**1) WELCOME AND CALL TO ORDER**

**CHAIRMAN AND COMMISSIONERS:** The meeting was called to order at 05:30 p.m. All present included Commissioner Lance Anderson, Commissioner Bryan Pack, and Commissioner Mike Scott.

**Staff Attending:** Kevin Rudd-Building and Zoning Administrator, Sharon Allen-Deputy City Recorder.

**Audience Attending:** Claudette Larsen, David Park, Tim Anderson, Chuck Flood, Brandee Walker, Richard Lambarth, Peter Rognli, Judith Rognli, Delores Osborn, Larry Robinson, Jessica Mousley, as well as others that did not sign in.

- A. [Acknowledgement of Quorum](#)
- B. **Flag Salute--Commissioner Lance Anderson**
- C. **Invocation--Commissioner Bryan Pack**
- D. [Disclosures--None.](#)

**2) REPORTS AND PRESENTATIONS-None**

**3) BUSINESS LICENSES -None**

**4) PUBLIC HEARING AND ACTION ITEMS**

- A. [Public Hearing on a Preliminary Plan with Subdivision Enhancement Overlay \(SEO\) for Shadow Canyons of Ivins Phase 3, located at approximately 500 S Main Street Ivins. Applicant-Gary Nelson. Owner-Saddleback Land Development Inc.](#)

**Kevin Rudd** stated that Shadow Canyons Phase 3 had final plat approval about 10 years ago. They put in some of the improvements but never recorded the plat before the approvals expired. They have come back and resubmitted the subdivision application. Similar situation to Indigo Trails. This also has a SEO overlay with a density bonus for increased open space. That was part of the first 2 phases. It is consistent with the original density bonus and the number of lots. Staff brings this forward for recommendation of approval. **Commissioner Mike Scott** opened the Public Hearing. Rich Lambarth stated that he lives on 57 W 400 S. He has no concern with developing the property but on the map it does not appear that they have added any storm water handling to the site around that area. In the last 10 years we've had 3 flash floods that exceeded the 100-year planning. He recommended considering additional storm water handling. **Kevin Rudd** stated that we received Richard Lambarth's letter and our City Engineer has responded to his concerns. Rich Lambarth stated that is fine. **Kevin Rudd** stated that our City Engineer is suggesting that the developer put in a project wall along the boundary and that it be designed as an engineered flood wall and then in the corner there will be an underground drain and connect to the storm drain system and they will leave this section open, so if it overflows it will flow into the street. Rich Lambarth stated that he appreciated that. **Kevin Rudd** stated that the lots above have a storm drain and they dug underground and built a sump and graveled around it. Individual property owners could work with the developer to allow them to tie into the storm drain so that in a big event the overflow would drain and then dump onto the street. It is a private system and we can't force the developer to do that, but hopefully they'd be willing to work with

us on that. Brandee Walker stated that they are reviewing Chuck's letter. We have actually added a drainage channel along Lot 81, which was not on the original plat. Hearing no other comments, **Commissioner Mike Scott** closed the Public Hearing.

**B. Discuss and consider recommendation on a Preliminary Plan with Subdivision Enhancement Overlay (SEO) for Shadow Canyons of Ivins Phase 3, located at approximately 500 S Main Street Ivins. Applicant-Gary Nelson. Owner-Saddleback Land Development Inc.**

**Commissioner Bryan Pack** clarified if Chuck Gillette was going to require the flood wall but the drainage on the West side they would have to work out themselves. **Kevin Rudd** stated yes these are private storm, not public, so the property owners and developer would have to work together. The City could not require it. There is a public utility easement, so the plat may have to show that there is a private utility easement over there. On the final plat that would be identified on there if they are able to negotiate that. The wall wouldn't show on the final plat, but it would show on the construction drawings. **Commissioner Lance Anderson** inquired what they intended to do with their open space? **Kevin Rudd** stated it will be natural, rock and gravel; it would not be a park. **Commissioner Bryan Pack** stated that the open space is what allowed them to have the SEO. **Kevin Rudd** stated yes. The density bonus was prior to our SEO ordinance. It meets the original agreement. The streets and water services are already in. Staff recommends approval. **Commissioner Bryan Pack** stated it looks consistent with the prior agreement and the other phases of their subdivision.

**MOTION: Commissioner Bryan Pack moved to approve recommendation on a Preliminary Plan with Subdivision Enhancement Overlay (SEO) for Shadow Canyons of Ivins Phase 3, located at approximately 500 S Main Street Ivins. Applicant-Gary Nelson. Owner-Saddleback Land Development Inc. with our City Engineer's recommendations.**

**SECOND: Commissioner Lance Anderson**

**VOTE: The motion carried.**

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

**C. Public Hearing on a proposed amendment to the Land Use Plan from MDR (Medium Density Residential) to HDR (High Density Residential), located at approximately 277 N. Main. Amber Davis-Applicant. Joyce Hughes-Owner.**

**Commissioner Mike Scott** stated that the Land Use change application, Item 4C and 4D has been withdrawn and there will be no Public Hearing on those items.

**D. Discuss and consider recommendation on a proposed amendment to the Land Use Plan from MDR (Medium Density Residential) to HDR (High Density Residential), located at approximately 277 N. Main. Amber Davis-Applicant. Joyce Hughes-Owner.**

**Commissioner Mike Scott** stated that the Land Use change application, Item 4C and 4D has been withdrawn and there will be no Public Hearing on those items.

**5) DISCUSSION AND POTENTIAL ACTION ITEMS**

**MOTION: Commissioner Bryan Pack moved to approve moving agenda Items 5B and 5C out of order to hear them before Item 5A.**

**SECOND: Commissioner Lance Anderson**

**VOTE: The motion carried.**

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

**A. Continue discussion of proposed amendments to Ivins City Zoning Ordinance for Recreational Vehicle Resort.**

**Commissioner Mike Scott** stated he received another copy of the revised RV Ordinance today. He did not have a chance to review those changes. **Kevin Rudd** stated since all the commissioners will be gone on May 31, we will be canceling that meeting, so please review and send in their comments. **Commissioner Bryan Pack** stated that his changes or questions are on 16.17.205 section regarding the length of stay Adel Murphy or the City was talking to the Tax Commission about what the requirements and whether it needs to be a 29-day stay. How long can patrons be out before being able to stay again? He doesn't want it to be treated like a residence. He likes the section about no more than 180 days in any given year. **Commissioner Mike Scott** stated they had previously mentioned 72 hours patrons had to leave for. **Commissioner Lance Anderson** stated that we should find out what the state says. **Commissioner Bryan Pack** stated if they move sites does that count? That is something we would need to know. Also on manager duties like maintaining the property, he would like to see some general standards so that quiet times are enforced, etc. In 16.17.206 Section 1- wastewater is spelled incorrectly. Commissioner Lance Anderson inquired what was the City's noise ordinance on quiet time? **Kevin Rudd** stated that 10:00 pm is the restriction for construction. Our ordinance says we can't make noise that disturbs the neighbors. 10:00 pm is an unwritten rule. **Commissioner Bryan Pack** stated 16.17.208.5 we use the word "or" to link them, and he thinks it should be an "and." **Commissioner Mike Scott** stated he will review and send in his comments. So the 2nd meeting in June we will have a Public Hearing.

**B. Discuss and consider approval on a proposed amendment to Class IV Conditional Use Permit for Student Housing associated with Rocky Vista University, located on the north side of Center Street from 300 E to 400 E. Rocky Vista University/Tim Anderson-Applicant.**

**Kevin Rudd** stated that there are 5 student housing buildings and they are proposing to build 3 buildings on the first phase immediately; and the other 2 would be in a future phase. They would like to have that approval now on the CUP so they don't have to come back in. **Commissioner Mike Scott** stated that Adel Murphy was sick, but he spoke with her by phone and she was in favor of it. **Commissioner Lance Anderson** has heartburn over the height. We are trying to protect the corridor. **Kevin Rudd** stated that the view corridor is well under the 35 feet and will not affect any immediate property owners. They own all the property around it. Staff recommends it because it does not affect anyone's view. **Commissioner Bryan Pack** stated that the height exception is just for the screening walls for the AC units. They will be in the center of the roof. How high will those be? Chuck Flood stated 8-10 feet. **Commissioner Lance Anderson** stated that the renderings of the front of the buildings have a billboard effect. **Kevin Rudd** stated that they are angled and offset. You can see the parapet of the screen and they will be an off-color from the walls. They are directly centered in the center of the building. **Commissioner Bryan Pack** stated the campus and the school building will minimize it too. **Kevin Rudd** stated that they have an architectural feature that comes out on the front of the building and ties in with the University building. They will use EPDM on the roof. It will be

black. It is the best roofing product out there. When it weathers it will turn gray. He stated that the future commercial out front will also soften the student housing. The dorms will go up first and they may seem like big buildings, but then it will have a step-effect as the commercial is built. The colors will be a certain range of brightness and light and darks mixed. It will blend with the college. On the CUP, staff does make a recommendation that it complies and recommend approval condition on the City Council approving the height exception. **Commissioner Bryan Pack** stated that the clubhouse was on one rendering, but he has not seen it on any other pictures. **Kevin Rudd** stated yes. It is single story. It is consistent with the architecture. It is similar to the commercial buildings and it will not be seen from Center Street or 400 E. Maybe just slices of it from between the buildings. The 10-acre parcel will have single family dwellings and some multi-family. **Commissioner Lance Anderson** inquired that these are strictly student housing? And that there is an agreement between the entities? **Kevin Rudd** stated yes the Development Agreement will connect the two entities under the same CUP. This is just an amendment to the CUP. **Commissioner Lance Anderson** stated we haven't had a lot of time to work on the design of this. If this was any other building across the street, that would go on for months, but because it is a school site, we are hurrying through it. **Commissioner Mike Scott** stated the setback from Center Street is significant. **Commissioner Bryan Pack** stated he doesn't have any other concerns. **Kevin Rudd** stated if the Planning Commission approves this, it is conditioned on the City Council approving the special height exception.

**MOTION: Commissioner Bryan Pack moved to approve a proposed amendment to Class IV Conditional Use Permit for Student Housing associated with Rocky Vista University, located on the north side of Center Street from 300 E to 400 E. Rocky Vista University/Tim Anderson-Applicant, conditioned on City Council approval of the special height exception.**

**SECOND: Commissioner Lance Anderson**

**VOTE: The motion carried.**

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

**C. Discuss and consider recommendation for a Special Height Exception for the student housing at Rocky Vista University, located on the north side of Center Street from approximately 300-400 E. Rocky Vista University/Tim Anderson-Owner/Applicant.**

**Commissioner Lance Anderson** stated that he does not want to vote, but he doesn't want to hold up their application. He inquired how far in the middle the parapets will be? **Kevin Rudd** stated they show specifically where the equipment is placed and he would be glad to show that. It is well thought out. It will be designed with the building. It is centered, and they are keeping it in tight to make it look like an architectural feature.

**MOTION: Commissioner Bryan Pack moved to approve recommendation for a Special Height Exception for the student housing at Rocky Vista University, located on the north side of Center Street from approximately 300-400 E. Rocky Vista University/Tim Anderson-Owner/Applicant.**

**SECOND: Commissioner Lance Anderson**

**VOTE: The motion carried.**

Commissioner Lance Anderson	AYE
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Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

**D. Discuss Utah Code 10-9a-610 regarding restrictions for solar and other energy devices.**

**Kevin Rudd** stated this was a citizen comment at a previous Council meeting, that their CC&R's restrict them from putting solar panels on their roof. Utah State Code says that a City can choose to refuse approving any plat or plan if there are deed restrictions running with the land that prohibits reasonable siting of solar collectors. There is a question with what is reasonable. Kayenta is very restrictive. They allow them but it has to be one inch below the parapet. The City Council is asking if we are interested in adding to the subdivision ordinance. Currently if someone asks if they can put solar panels wherever they want to, all we can do is caution people to check with their HOA and make sure they are compliant. We issue the permit, but if their HOA doesn't allow it, it's a fight with them. **Commissioner Lance Anderson** stated that we go to all this trouble to protect our views and we need to put some thought into it. **Kevin Rudd** stated that a restriction would be on an accessory structure to maintain minimum setbacks, and height to 15 feet, like a shed. **Commissioner Mike Scott** stated that this wording sounds like the City could refuse to approve one plat and then approve another similar plat. **Commissioner Bryan Pack** stated if they are being designed the same way, we should be consistent. **Kevin Rudd** stated that we need to define the word reasonable. The panels need to be placed where they are effective. **Commissioner Mike Scott** stated that in Kayenta, a parapet has to be an inch below your solar panel, and that is on a flat roof. To put panels on the north side of your roof would not be efficient. **Commissioner Bryan Pack** inquired if they would have to write an ordinance or if they can just use the state code? **Kevin Rudd** stated that we would have to write it into our code. The state code has the items that we can enforce, and it would be in the subdivision ordinance. We would have to do a note on the plat that they can't prohibit the solar collectors. **Commissioner Bryan Pack** stated this code says that the City has the ability to stop a subdivision from prohibiting its property owners from putting in solar. **Kevin Rudd** stated that if one subdivision decides to be more restrictive than the other, and people can effectively put them up, fine. But there are others that will be more restrictive. If a subdivision says no panels we would say they can't prohibit them. **Commissioner Mike Scott** stated right now we don't have that authority. **Kevin Rudd** stated yes. We would issue them a permit but then they would have a civil matter with their subdivision. **Commissioner Bryan Pack** stated he is okay with that way of handling it. **Commissioner Lance Anderson** stated that they need to read their CC&Rs before they buy their property. **Commissioner Mike Scott** stated that there are so many CC&R's out there it is not the City's responsibility to understand all of them. **Commissioner Lance Anderson** stated he agrees; we just need to add into our design guidelines for solar. **Commissioner Bryan Pack** inquired what are the roof color guidelines in residential? The roof material. **Kevin Rudd** stated if it is bright or reflective we can turn them down. A two-story house that has arrays is more noticeable. **Commissioner Bryan Pack** stated he is in favor of not doing anything. **Kevin Rudd** stated he sees us getting caught between the HOA and the homeowner. We need to define what is reasonable. HOAs can be arbitrary. If City Council decides to do it, the Planning Commission will do it, but he is in agreement with Bryan Pack. **Commissioner Mike Scott** stated it is the homeowners' duty to meet City and the CCR requirements. It we just leave things as they are, it's currently working. **Kevin Rudd** stated it is except for the subdivisions that won't allow it, period. **Commissioner Lance Anderson** stated

that we should stay uninvolved. **Kevin Rudd** stated that if the property owners' majority wants to, they can change the CC&R's and we don't get involved. **Commissioner Mike Scott** stated our recommendation would be to leave things as they are. **Commissioner Bryan Pack** stated he agrees. **Kevin Rudd** stated the City Council cannot make changes on the Land Use Plan until the Planning Commission presents it to them. He will report to City Council this decision.

E. [Discuss and consider approval of the Ivins City Planning Commission minutes for May 03, 2016.](#)

**MOTION:** Commissioner Bryan Pack moved to approve the Ivins City Planning Commission minutes for May 03, 2016.

**SECOND:** Commissioner Lance Anderson

**VOTE:** The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

6) **REPORTS--None**

A. **Planning Commission**

B. **Chairman**

C. **Building & Zoning Administrator, Kevin Rudd**

D. **City Attorney, Dale Coulam**

E. [Items to be placed on future agendas](#)

**MOTION:** Commissioner Bryan Pack moved to approve to cancel Planning Commission meeting on May 31, 2016.

**SECOND:** Commissioner Lance Anderson

**VOTE:** The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT

7) [ADJOURNMENT](#)

**MOTION:** Commissioner Lance Anderson moved to approve ADJOURNMENT

**SECOND:** Commissioner Bryan Pack

**VOTE:** The motion carried.

Commissioner Lance Anderson	AYE
Commissioner Bryan Pack	AYE
Commissioner Mike Scott	AYE
Commissioner Adel Murphy	ABSENT
Chairman Jeff Loris	ABSENT